

REMARKS

Applicant's attorney appreciates the careful review of the subject patent application by the examiner. The examiner's comments regarding the drawing figure have been addressed by adding the logical connection lines referred to by the examiner along with amending the specification to incorporate reference numbers from the drawings into the specification. In addition, the correction of the reference number for the data select block and the output line has also been incorporated into the drawings and the specification. The drawings are now believed to comply with 37 C.F.R. §1.83 and 1.84. An Annotated Marked-Up Drawing sheet and a Replacement Sheet for FIG. 1 are enclosed.

The examiner's objection to the abstract of the disclosure has been addressed by inserting a reference to a communication system using line cards. This provides antecedent basis for the use of the term "line cards" in later sentences.

The rejection of applicant's claims under 35 U.S.C. §112 have been addressed by the amendments to those claims. In particular, applicant has adopted the examiner's suggestion and changed "the redundant device" to "a redundant device" in claim 1 and also by inserting "redundant" before device in claim 5. The claims as now amended are believed to fully comply with 35 U.S.C. §112.

Turning now to the rejection under 35 U.S.C. §103, the examiner has cited Bass (U.S. Patent 3,920,975) and Abdelnour et al. (U.S. Patent 6,035,416). The examiner's comments regarding the subject matter of these two patents as being related to redundantly configured primary and backup devices is believed to be correct.

Referring to Bass, the examiner states that the system of Bass includes a method of determining validity of a control signal by continually sending a first signal having a predetermined varying characteristic from the remote controller and sending a second signal having the predetermined varying characteristic from the remote controller upon detection of a failure of the primary device.

Applicant has reviewed the section at column 8, lines 46-53 cited by the examiner and is unable to discern that Bass sends a signal having a predetermined varying characteristic. The discussion at column 8 describes a digital communication system in which data and commands are sent in digital blocks having an address field and presumably a data field. The information in the address field is used to direct the command words to the appropriate station. As the examiner is aware, these commands can be sent at any time and there is no indication that there is a continuous transmission of these signals nor that these signals have some predetermined varying characteristic. They are merely recited as digital signals which are encoded using a carrier signal frequency. There is no indication that the carrier signal frequency is the signal that is used for the command or information. Rather the carrier signal frequency is simply a medium for transmission of the digital signals.

In applicant's review of the Bass patent, it appears that the section cited by the examiner may not be the most germane to the procedure incorporated in Bass. In particular, referring to column 9, beginning at line 61, in which Bass describes a link selector circuit which monitors both the primary and backup communication links to determine which one is being used to transmit command control signals. The link selector circuit then selects that link for connection to its associated terminal controller by applying a signal to the associated audio switch. Referring to column 10, beginning at line 2, Bass describes how his system works when a primary communication link develops a problem. Note that the switch over to the backup link is achieved by the operator of the network controller which begins transmitting command signals via the command modulator over the backup link and those signals are detected by the link selector switch which then causes its associated audio switch to switch its associated command modules over to the backup link. There is no indication that the command signals that affect the switchover are automatic as described in applicant's specification using different frequency signals to indicate to the remote controllers that it needs to switch.

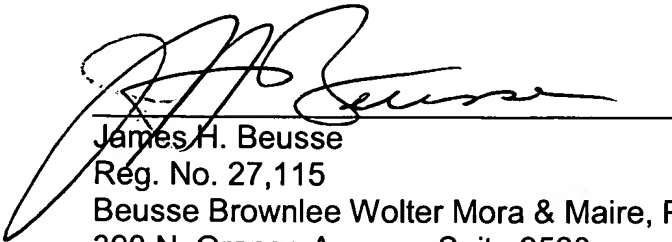
In addition to the distinctions pointed out above, applicant also concurs with the examiner's comments that Bass fails to teach that the control signals are sent directly to the primary device and fails to teach that the first and second signals have different predetermined varying characteristics.

The patent to Abdelnour et al. is somewhat confusing because of the description at the beginning of how one controller talks to another controller and the two controllers vote between each other as to which one should be the primary controller. The examiner's citations with regard to column 4 all appear to be directed to the voting and select lines of communication between the two separate controllers. There is no indication that a remote device is sending signals to these controllers to determine which of the controllers is the primary and which is the backup or which will be used at any one time. The actual control of these two devices appears to be under the direction of a signal on what is identified as switch 118 which is issued by a peripheral unit to request a change in the active processor when the peripheral unit believes that the active processor is malfunctioning. (See column 4, lines 14-17). The switch 118 signal is described as an open collector driven signal which is sourced by each of the PUs at column 14, lines 49-51. Accordingly, the system of Abdelnour et al. appears to suffer from the same digital logic problems that are described in applicant's background. For example, if there is a problem with one of the controllers, and the signal from the peripheral unit is unable to change state because of some malfunction, the controller will continue to attempt to be the primary device and the peripheral unit will not be able to correct the problem to allow data to be transmitted through the backup device. Accordingly, it is not believed that the patent by Abdelnour et al. teaches or suggests the remote control fault tolerant system as set forth in applicant's claims.

For all the reasons set forth above, it is submitted that the combination of Bass and Abdelnour et al. fail to teach or suggest the invention as set forth in applicant's claims. Further, it is not seen how one could possibly combine the Bass teachings with the teachings of Abdelnour et al. to arrive at applicant's claimed invention. There is no suggestion in either of these patents to substitute

different types of control signals to implement a remote control of two independent primary and backup devices using a signal having different varying characteristics so that the remote devices can identify those signals even in the situation in which a signal line becomes faulted. Accordingly, it is believed that this application as amended is now in condition for allowance and such allowance is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. H. Beusse', is written over a horizontal line.

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